

ENTERED

August 27, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 2:19-CR-1136
	§	
MICHAEL HECTOR MARTINEZ	§	

OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE

On August 22, 2019, Defendant moved for a continuance of the final pretrial conference and jury selection and trial because the Defendant and counsel had not yet had adequate time to review all of the discovery and to visit with her client about deposition testimony scheduled for September 17, 2019, and the Defendant had not had adequate time to consider whether he wished to have a trial or plead guilty (D.E.15). Arguments were heard on August 27, 2019. The United States was opposed to the continuance (citing only the expense of depositions) and Material Witness counsel was unopposed to the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The United States has chosen to bring this case and in doing so is responsible for all the attendant expenses, including the expense of deposing material witnesses in custody.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendant's motion (D.E. 15) and **CONTINUES** the final pretrial conference until **September 27, 2019, at 10:00 a.m.** before undersigned and schedules the jury selection and trial for **October 7, 2019, at 8:30 a.m.** before Hon. David S. Morales.

ORDERED this 27th day of August, 2019.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE